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Substitute	for form 1449A/PTC)		Complete if Known			
				Application Number	10/776889		
			CLOSURE	Filing Date	February 11, 2004		
STAT	EMENT B	Y AF	PPLICANT	First Named Inventor	ANTHONY J. KINNEY		
	•			Group Art Unit	1634		
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Sheet	1	of	1	Attorney Docket Number	BB1531USNA		

U.S. PATENT DOCUMENTS Document Number Publication Date Examiner Cite Name of Patentee or Pages, Columns, Lines, Where MM-DD-YYYY Applicant of Cited Document Relevant Passages or Relevant Initials ' No. Number - Kind Code² (if known Figures Appear US -5,589,583 12-31-1996 HARRY J. KLEE ET AL. US -US -

	FOREIGN PATENT DOCUMENTS									
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where					
Initials*	No.1	CountryCode ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear	T ₆				
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Examiner Signature Date Considered 11/8/2005			
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known 10/776889 Application Number Filing Date February 11, 2004 ANTHONY J. KINNEY First Named Inventor 1634 Group Art Unit

(use as many sheets as necessary) Examiner Name of Sheet Attorney Docket Number BB1531USNA **U.S. PATENT DOCUMENTS**

Examiner	Cite	Do	cument Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Initials *	No.1	<u> </u>	- Kind Code ² (if known)		Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
W	1	US -	6,177,613	01-23-2001	SEAN J. COUGHLAN ET AL.	
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(Substitute for form 1449A/PTO	Complete if Known			
	INFORMATION DISCLOSURE	Application Number	10/776889		
	INFORMATION DISCLOSURE	Filing Date	February 11, 2004		
	STATEMENT BY APPLICANT	First Named Inventor	ANTHONY J. KINNEY ET. AL.		
ļ		Group Art Unit	1634		
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	Sheet 1 of 3	Attorney Docket Number	BB1531USNA		

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	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS								
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T 2						
\h/	1	JOAQUIN ESPARTERO ET AL., Differential accumulation of S-adenosylmethionine synthetase transcripts in response to salt stress, Plant Mol. Biol., Vol. 25:217-227, 1994							
W	2	MAKOTO MATSUOKA ET AL., Tissue-specific light-regulated expression directed by the promoter of a C4 gene, maize pyruvate,orthophosphate dikinase, in a C3 plant, rice, PNAS, Vol. 90:9586-9590, 10/1993							
W	3	PABLO D. CERDAN ET AL., A 146 bp fragment of the tobacco Lhcb1*2 promoter confers very-low-fluence,low-fluence and high-irradiance responses of phytochrome to a minimal CaMV 35S promoter, Plant Mol. Biol., Vol. 33:245-255, 1997							
We	4	ROSSITZA ATANASSOVA ET AL., Functional analysis of the promoter region of a maize (Zea mays L.) H3 histone gene in transgenic Arabidopsis thaliana, Plant Mol. Biol., Vol. 37:275-285, 1998							
M	5	MATS ELLERSTROM ET AL., Functional dissection of a napin gene promoter:identification of promoter elements required for embryo and endosperm-specific transcription, Plant Mol. Biol., Vol. 32:1019-1027, 1996							
W	6	AINE L. PLANT ET AL., Regulation of an Arabidopsis cleosin gene promoter in transgenic Brassica napus, Plant Mol. Biol., Vol. 25:193-205, 1994							
W	7	JAMES S. KEDDIE ET AL., A seed-specific Brassica napus oleosin promoter interacts with a G-box-specific protein and may be bi-directional, Plant Mol. Biol., Vol. 24:327-340, 1994							
W	8	ZHANG-LIANG CHEN ET AL., Regulated Expression of Genes Encoding Soybean beta-Conglycinins in Transgenic Plants, Developmental Genetics, Vol. 10:112-122, 1989							
W	9	JANICE W. EDWARDS ET AL., Cell-specific expression in transgenic plants reveals nonoverlapping roles for chloroplast and cytosolic glutamine synthetase, PNAS, Vol. 87:3459-3463, 05/1990							
W	10	THOMAS LUBBERSTEDT ET AL., Promoters from Genes for Plastid Proteins Possess Regions with Different Sensitivities toward Red and Blue Light, Plant Phys., Vol. 104:997-1006, 1994							
W	11	SHENG LUAN ET AL., A Rice cab Gene Promoter Contains Separate cis-Acting Elements That Regulate Expression in Dicot and Monocot Plants, The Plant Cell, Vol. 4:971-981, 08/1992							

Examiner Signature	Vinolay	Date Considered	11/8/2105

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	STAT	EMEN	F BY A	IPPLICAL	T	First Named Inventor	ANTHONY J. KINNEY ET. AL.		
						Group Art Unit	1634		
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	Sheet	2	of	3		Attorney Docket Number	BB1531USNA		

	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS							
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W	12	PAUL R. EBERT ET AL., Identification of an essential upstream element in the nopaline synthese promoter by stable and transient assays, PNAS, Vol. 84:5745-5749, 08/1987						
W	13	JOHN C. WALKER ET AL., DNA sequences required for anaerobic expression of the maize alcohol dehydrogenase 1 gene, PNAS, Vol. 84:6624-6628, 10/1987						
13/	14	VADIM L. METT ET AL., A system for tissue-specific copper-controllable gene expression in transgenic plants: nodule-specific antisense of asparate aminotransferase-P2, Transgenic Research, Vol. 5:105-113, 1996						
M	15	RICHARD A. JEFFERSON ET AL., GUS fusions: beta-glucuronidase as a sensitive and versatile gene fusion marker in higher plants, The EMBO J., Vol. 6(13):3901-3907, 1987						
	16	FRITZ SCHOFFL ET AL., The function of plant heat shock promoter elements in the regulated expression of chimaeric genes in transgenic tobacco, Mol. Gen. Genet., Vol. 217:246-253, 1989						
Ver	17	ELISABETH TRUERNIT ET AL The promoter of the Arabidopsis thaliana SUC2 sucrose-H+ symporter gene directs expression of beta-glucuronidase to the phloem: Evidence for phloem loading and unloading by SUC2, Planta, Vol. 196:564-570, 1995						
W/	18	SONKE HOLTORF ET AL., Comparison of different constitutive and inducible promoters for the overexpression of transgenes in Arabidopsis thaliana, Plant Mol. Biol., Vol. 29:637-646, 1995						
W	19	MICHAEL. J. BATTRAW ET AL., Histochemical analysis of CaMV 35S promoter-beta-glucuronidase gene expression in transgenic rice plants, Plant Mol. Biol., Vol. 15:527-538, 1990						
W	20	MICHAEL A. LAWTON ET AL., Expression of a soybean beta-conclycinin gene under the control of the Cauliflower Mosaic Virus 35S and 19S promoters in transformed petunia tissues, Plant Mol. Biol., Vol. 9:315-324, 1987						
W	21	A. WILMINK ET AL., Activity of constitutive promoters in various species from the Liliaceae, Plant Mol. Biol., Vol. 28:949-955, 1995						
W	22	JOAN T. ODELL ET AL., Identification of DNA sequences required for activity of the cauliflower mosaic virus 35S promoter, Nature, Vol. 313:810-812, 1985						

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Sheet	3	of 3 Attorney Docket Number BB1531USNA							
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W	23	MUKUL MATHUR ET AL., Phytohormonal regulation of S-adenosylmethionine synthetase by gibberellic acid in wheat aleurones, Biochimica et Biophysica Acta., Vol. 1137:338-348, 1992							
W	24	THOMAS KAISER ET AL., Promoter elements of the mustard CHS1 gene are sufficient for light regulation in transgenic plants, Plant Mol. Biol., Vol. 28:219-229, 1995							
W	25	LOURDES GOMEZ-GOMEZ ET AL., Differential Expression of the S-Adenosyl-L-Methionine Synthase Genes during Pea Development, Plant Phys., Vol. 117:397-405, 1998							
W	26	JOHN M. MCDOWELL ET AL., The Arabidopsis ACT7 Actin Gene Is Expressed in Rapidly Developing Tissues and Responds to Several External Stirruli, Plant Phys., Vol. 111:699-711, 1996							
W	27	TIM ULMASOV ET AL., The Soybean GH2/4 Gene That Encodes a Glutathione S-Transferase Has a Promoter That Is Activiated by a Wide Range of Chemical Agents, Plant Phys., Vol. 108:919-927, 1995							
W	28	NS YANG ET AL., Maize sucrose synthase-1 promoter directs phloem cell-specific expression of Gus gene in transgenic tobacco plants, PNAS, Vol. 87:4144-4148, 06/1990							
W	29	VICKI L. CHANDLER ET AL., Two Regulatory Genes of the Maize Anthocyanin Pathway Are Homologous: Isolation of B Utilizing R Genomic Sequences, Plant Cell, Vol. 1:1175-1183, 12/1989							
W	30	JULIE C. LLOYD ET AL., The chloroplast FBPase gene of wheat: structure and expression of the promoter in photosynthetic and menstematic cells of transgenic tobacco plants, Mol. Gen. Genet., Vol. 225:209-216, 1991							
W	31	JORG STOCKHAUS ET AL., Correlation of the expression of the nuclear photosynthetic gene ST-LS1 with the presence of chloroplasts, EMBO J., Vol. 8(9):2445-2451, 1989							
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